



UDC Update Request Application

Part 1. Applicant Information

Name: James McKnight Organization (if applicable): Brown & Ortiz, P.C.

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Signature:  Date: 5/1/2015
(Include title if _____ governmental agency or public/private organization)

Part 2. Basis for Update (check only one)

- Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC (Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- Completed Rule Interpretation Determination (RID)
- Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)

Part 3. Reason(s) for Update (check all that apply)

- Modify procedures and standards for workability and administrative efficiency
- Eliminate unnecessary development costs
- Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

There are several amendments included in this application, almost all of which concern zoning districts and/or definitions used in Appendix A. Also, one concerns MDP validity. Please see attached word document.

UDC Amendment Proposal (2015)

1	Zoning (IDZ)	Sec. 35-343	(a) Locational Criteria: “Size. An “IDZ” shall be a maximum of five (5) acres total, for each contiguous property/development.”
2	Zoning (MPCD)	35-345	(b) “An “MPCD” shall consist of at least ten (10) contiguous acres.”
3	Zoning (MXD)	35-341	(b) (2) A “MXD” zoning site plan that does not provide for a mix of residential and nonresidential uses located within the same building or on the same lot shall not be approved.
4	Procedures (MDP)	35-412	(i) (1) (B) “Further, an approved master development plan shall expire unless fifty (50) percent of the net area within the approved master development plan is the subject of final plats or development within ten (10) years from the date of approval of the master development plan, <u>or an MDP shall expire unless there is at least five million dollars (\$5,000,000.00) in project expenses within ten (10) years from the date of approval of the master development plan.</u> ”
5	Zoning	35-350	(c)(2) “A natural area shall be maintained around the perimeter of the property within the district and no grading, removal, or disturbance of native plant material shall be allowed within fifty-five (55) feet of any perimeter property line of the property within the district or public right-of-way, <u>except that such natural area shall not be required where the property owner adjacent to the perimeter of the property within the district agrees to waive the buffer requirement or grants an easement for non-development on such adjacent property equal to the buffer area that would otherwise be required.</u> ”
6	Definitions	35-A101	“Density, maximum. The maximum number of dwelling units that may be constructed where indicated in this chapter, stated as gross density unless otherwise indicated. <u>When calculating the number of dwelling units that may be constructed, pursuant to density limitations otherwise provided in this Code, the City will employ standard practices for rounding the number to the nearest whole number.</u> ”
7	Zoning; Definitions	35-311, Non-Residential Use Matrix; 35-A101	“ Corporate Apartment. <u>A building containing rooms intended or designed to be used or which are used, rented, leased, or hired out to be occupied temporarily for an extended period of time by guest and where a kitchen and dining area are provided within the room or complex of rooms rented by the tenant, and which room(s) are</u>

UDC Amendment Proposal (2015)

			<p>furnished by the guest or tenant and not by the <u>building/complex</u>.</p> <p>“Extended stay hotel and/or motel. A building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied temporarily for an extended period of time by guest and where a kitchen and dining area are provided within the room or complex of rooms rented by the tenant.</p>
8	Zoning; Definitions	35-311; 35-A101	Self-storage vs. climate controlled storage

Part 4. Summary of Proposed Update with Suggested Text

PROPOSAL SUMMARY (#1)

The reason for this proposed UDC amendment is to limit the size of a lot, tract, or development that seeks an “IDZ” zoning designation. The purpose of having a zoning district specifically for infill is to encourage development of those areas that would otherwise be problematic because they are surrounded by existing development. Lots and/tracts larger than five (5) acres should not be classified as “infill” areas, and should not be allowed to take advantage of the incentives provided to infill projects.

FORMATTED PROPOSAL-

Sec. 35-343. – “IDZ” Infill Development Zone.

(c) Lot and Building Specifications.

- (3) **Size.** A tract of land zoned “IDZ” shall be a maximum of five (5) acres total, for each contiguous property/development.

PROPOSAL SUMMARY (#2)

The reason for this proposed UDC amendment is to allow a mixed development for projects that are smaller than 25 acres. Furthermore, this amendment will allow an MPCD site plan to be processed without having to meet all the requirements of a Master Development Plan. These two changes will encourage more mixed-use developments, while still providing the City oversight through the site planning process.

FORMATTED PROPOSAL-

Sec. 35-345. – "MPCD" Master Planned Community Districts.

(b) **Size.** An "MPCD" shall consist of at least ~~twenty-five (25)~~ ten (10) contiguous acres.

(c) **Site Plan.**

(+) Simultaneous with the request for "MPCD" zoning, an "MPCD" site plan shall also be filed. An application for rezoning to an "MPCD" shall not be deemed complete unless accompanied by a proposed "MPCD" site plan. ~~The "MPCD" site plan shall be governed by subsection 35-412(e), Completeness Review, and subsection 35-412(f), Approval Criteria, of this chapter.~~ In addition to the applicable requirements of article V of this chapter, the "MPCD" site plan shall also be reviewed for compliance with the terms of this section.

PROPOSAL SUMMARY (#3)

The reason for this proposed UDC amendment is to allow a mixed use development that does not require a true mix of residential within the same building. There are several mixed use developments proposed for the annexation areas of San Antonio, however, not all of them have residential uses within the same building or lot as another use. This is still a mixed use development, regardless of the residential component.

FORMATTED PROPOSAL-

Sec. 35-341. – "MXD" Mixed-Use District.

(b) Use Regulations.

~~(2) A "MXD" zoning site plan that does not provide for a mix of residential and nonresidential uses located within the same building or on the same lot shall not be approved.~~

~~(3)~~ (2) The zoning site plan shall be submitted with the application for rezoning to "MXD" for review by the zoning commission and approval by the city council. The approved zoning site plan shall accompany all subsequent development applications (including, but not limited to, master development plan, plats and building plans). Subsequent development applications that do not conform to the approved "MXD" zoning site plan shall not be approved.

PROPOSAL SUMMARY (#4)

The reason for this proposed UDC amendment is to allow a developer who has expended a large sum of money on a large development to keep the Master Development Plan valid. Such a sum of money clearly shows that the developer has been making “progress” on the “project” for purposes of vested rights, as those terms are used in Ch. 245 of the Local Government Code and UDC Article VII, Division 2; therefore, the underlying permit, in this case the Master Development Plan, should also stay valid and eligible for establishing vested rights.

FORMATTED PROPOSAL-

Sec. 35-412. – Master Development Plan.

(i) **Scope of Approval.**

- (1) B. Further, an approved master development plan shall expire unless fifty (50) percent of the net area within the approved master development plan is the subject of final plats or development within ten (10) years from the date of approval of the master development plan, or an MDP shall expire unless there is at least five million dollars (\$5,000,000.00) in project expenses within ten (10) years from the date of approval of the master development plan. The remaining fifty (50) percent must obtain final plat approval or be developed within ten (10) years after the initial fifty (50) percent of the net area within the master development plan has been platted or developed. Unless specific provisions to the contrary exist in an individual ordinance or city municipal code provision, the filing of a minor amendment to a master development plan (see subsection 35-412(g)(2), plat, or replat will not result in a loss of permit rights and abandonment of the original master development plan provided that the required area of acreage within the master development plan platted or value of infrastructure expenses do not fall below the amounts indicated above as a result of the amendment or replat.

PROPOSAL SUMMARY (#5)

The reason for this proposed UDC amendment is to allow those certain Quarry District areas to quarry all the way to the edge of the "QD" boundary, provided that the adjacent property owner specifically allows this. The natural buffer requirement was put in place to protect the integrity of the property for owners adjacent to quarry operations. Such adjacent property owners should have the right to allow quarry operations up to their property line, especially where some kind of protective easement has been placed on their property, and such buffer areas are still provided, albeit through a different method.

FORMATTED PROPOSAL-

Sec. 35-350. – "QD" Quarry District.

(c) Operating Standards.

- (2) Natural Buffer.** A natural area shall be maintained around the perimeter of the property within the district and no grading, removal, or disturbance of native plant material shall be allowed within fifty-five (55) feet of any perimeter property line of the property within the district or public right-of-way, except that such natural area shall not be required where the property owner adjacent to the perimeter of the property within the district agrees to waive the buffer requirement or grants an easement for non-development on such adjacent property equal to the buffer area that would otherwise be required, and except as required for establishing required berms and fencing and for an eighteen-foot-wide access road for the purpose of establishing and maintaining fencing, landscaping, access and/or security patrol.

PROPOSAL SUMMARY (#6)

The reason for this proposed UDC amendment is to clarify number of units allowed when calculating such density based on acreage. When, for example, a calculation of units allowed based on acreage and density yields a number such as 127.8, 128 units would be allowed. Under the current UDC, only 127 units would be allowed because that is the last whole number reached before the decimal point.

FORMATTED PROPOSAL-

Sec. 35-A101. - Definitions and Rules of Interpretation.

(b) Definitions.

Density, maximum. The maximum number of dwelling units that may be constructed where indicated in this chapter, stated as gross density unless otherwise indicated. When calculating the number of dwelling units that may be constructed, pursuant to density limitations otherwise provided in this Code, the City will employ standard practices for rounding the number to the nearest whole number.

PROPOSAL SUMMARY (#7)

The reason for this proposed UDC amendment is to formally define a certain kind of apartment dwelling and to allow that dwelling type to be a permitted use in the C-2 and C-3 zoning districts. A relatively new type of apartment is being made available that operates very much like an Extended Stay Hotel and/or Motel, which are allowed in commercial zoning districts; however, “apartments” are generally not allowed in commercial districts, at least not beyond a limited density.

FORMATTED PROPOSAL-

Sec. 35-A101. - Definitions and Rules of Interpretation.

(b) Definitions.

Corporate Apartments. A building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied temporarily for an extended period of time by guest and where a kitchen and dining area are provided within the room or complex of rooms rented by the tenant, and which room(s) are furnished by the guest or tenant and not by the building/complex.

Sec. 35-311. - Use Regulations.

Table 311-2:

	<i>PERMITTED USE</i>	C-2	C-3	D	ERZD
<u>Service</u>	<u>Corporate Apartment</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

PROPOSAL SUMMARY (#8)

The reason for this proposed UDC amendment is to clarify the difference between types of selfservice storage and storage, climate controlled, as those terms are used in the nonresidential use matrix. Specifically, what is the difference, and why is self-service storage allowed in ERZD while climate controlled storage is not? Also, why is climate controlled permitted in C2, while self-service storage is not? If self-service storage is more intense, why is it permitted in ERZD?

FORMATTED PROPOSAL-

Sec. 35-311. - Use Regulations.

Table 311-2:

	<i>PERMITTED USE</i>	C-2	C-3	D	L	I-1	I-2	ERZD
Storage	Self Service Storage		P	P	P	P	P	P
Storage	Storage, Climate Controlled	P	P		P	P	P	S P